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GROUP 3700

August 5, 2002

Time: 5:12 PM
(Minneapolis, Minn.)TO: Commissioner for Patents
Attn: R. Kearney
Patent Examining Corps
Facsimile Center
Washington, D.C. 20231FROM: Timothy E. BianchiOUR REF: 825.001US2TELEPHONE: (612) 373-6912FAX NUMBER (703) 308-0758

* Please deliver to Examiner R. Kearney in Art Unit 3739. *

Document(s) Transmitted: Amendment and Response Under 37 C.F.R. 1.116 (13 pgs.); Clean Version of Pending Claims (7 pgs.); Petition for One-Month Extension of Time (1 pg.)

Please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Total pages of this transmission, including cover letter: 22 pgs.

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In re. Patent Application of: John H. Burton et al.Examiner: R. KearneySerial No.: 09/477,977Group Art Unit: 3739Filed: January 5, 2000Docket No.: 825.001US2Title: IMPLANTABLE DEVICE AND METHOD FOR ADJUSTABLY RESTRICTING A BODY LUMENBy: [Signature]
Name: Timothy E. Bianchi
Reg. No.: Reg. No. 39,610

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Anne M. Richards
Anne M. RichardsAugust 5, 2002
Date of Transmission

8-7-02

EXPEDITED PROCEDURE - EXAMINING GROUP 3739S/N 09/477,977PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John H. Burton et al.

Examiner: R. Kearney

Serial No.: 09/477,977

Group Art Unit: 3739

Filed: January 5, 2000

Docket: 825.001US2

Title: IMPLANTABLE DEVICE AND METHOD FOR ADJUSTABLY
RESTRICTING A BODY LUMEN12/0
(ME)AMENDMENT & RESPONSE UNDER 37 C.F.R. § 1.116Box AF
Commissioner for Patents
Washington, D.C. 20231

In response to the final Office Action mailed April 5, 2002, please amend the application as follows:

This response is accompanied by a Petition, as well as the appropriate fee, to obtain a one-month extension of the period for responding to the Office action, thereby moving the deadline for response from July 5, 2002 to August 5, 2002.

Do not
enter
R. Kearney
8/14/02IN THE CLAIMS

Please substitute the claim set in the appendix entitled Clean Version of Pending Claims for the previously pending claim set. The substitute claim set is intended to reflect amendment of previously pending claims 1, 8, 13, and 28. The specific amendments to individual claims are detailed in the following marked up set of claims.

1. [AMENDED] An implantable device, comprising:

a pressurizable expandable element, attached to an elongate conduit element near its forward end, said conduit element including a rear port portion and having a first passageway connecting said rear port portion to said expandable element, said expandable element expandable to enlarged shapes by addition of a flowable material using an external source provided into said rear port portion, said rear port portion adapted for providing fluid communication between the implantable device and the external source during adjustment and